

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Adoption of Proposed Text Amendments To Comprehensive Plan - Public School Facilities Element, and amendments to Capital Improvements, Implementation and Intergovernmental Coordination elements - and submittal to the State Department of Community Affairs

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord **CONTACT:** Sheryl Stolzenberg **EXT:** 7383

MOTION/RECOMMENDATION:

1. Adopt and authorize the Chairman to execute an ordinance amending the text of the Comprehensive Plan to create a new Public School Facilities Element and amending the Capital Improvements, Implementation and Intergovernmental Coordination elements, and authorize submittal to the State Department of Community Affairs; or
2. Deny an ordinance amending the text of the Comprehensive Plan to create a new Public School Facilities Element and amending the Capital Improvements, Implementation and Intergovernmental Coordination elements; or
3. Continue the item to a time and date certain.

County-wide

Sheryl Stolzenberg

BACKGROUND:

Legislation enacted in 2005 mandated a comprehensive approach to school planning. The legislation required local governments and their school boards to adopt school concurrency and processes for coordinating land use and school planning with local comprehensive plans and development approvals. The County's deadline for complying with the state requirement is January 1, 2008.

A draft Public School Facilities Element was developed as part of a coordinated effort among staff members of Seminole County, the Cities and the School Board, with the assistance of a consultant to one of the cities. A new Interlocal Agreement, which serves as one of the Support Documents to the Comprehensive Plan amendments, was also developed.

Although the individual Public School Facilities Element in the Seminole County plan and each City plan will have policies that are particular to that jurisdiction, the overall policy direction and procedures for school concurrency, procedures for sharing information, and requesting School Board comments on proposed developments will be identical.

The Seminole County Board of County Commissioners transmitted draft amendments to the text of the Comprehensive Plan, including the draft Public School Facilities Element, to the State Department of Community Affairs (Department) at its regular public hearing on August 28, 2007. An Objections, Recommendations and Comments (ORC) report was received from

the Department on November 12, 2007 and is attached to this agenda memorandum, along with the amendments required by the Department.

The ORC report required amendments showing that the date of initiation of public school concurrency begin on January 1, 2008 and that procedures in the Interlocal Agreement that deal with how public school concurrency can be addressed by using capacity in adjacent concurrency service areas also be included in the Public School Facilities Element. In addition, we included language previously added to the Future Land Use Element text that enables the Seminole County School District to continue to use 8.7 acres of land owned prior to October 26, 1999 within the Wekiva Protection Area for the East Lake Sylvan Transitional Area School site.

The proposed text amendments, revised to respond to the ORC issued by the Department, include:

1. A Public School Facilities Element including goals, objectives and policies compatible with those of the Public School Facilities elements for the cities and revised in accordance with the ORC.
2. Amendments to the Capital Improvements Element to include the Level of Service (LOS) for school facilities and the schedule of financially feasible school capacity capital improvements.
3. Amendments to the Implementation Element to include school facilities within the Concurrency Management System.
4. Amendments to the Intergovernmental Coordination Element to update objectives and policies addressing interlocal agreements with the School Board.

STAFF RECOMMENDATION:

Staff recommends the Board adopt and authorize the Chairman to execute an ordinance amending the text of the Comprehensive Plan to create a new Public School Facilities Element and amending the Capital Improvements, Implementation and Intergovernmental Coordination elements, and authorize submittal to the State Department of Community Affairs.

ATTACHMENTS:

1. Objections, Recommendations and Comments ORC report from DCA
2. Adoption Ordinance Comprehensive Plan text amendments
3. Exhibit B text amendments to CIE for school facilities
4. Exhibit B text amendments to Implementation Element
5. Exhibit B text amendments Intergovernmental Element
6. Exhibit A Public School Facilities Element

Additionally Reviewed By:

☒ County Attorney Review (Kathleen Furey-Tran)



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

November 9, 2007

The Honorable Carlton D. Henley
Chairman, Seminole County Board of County Commissioners
1101 East First Street
Sanford, Florida 32771

Dear Chairman Henley:

The Department of Community Affairs has completed its review of the proposed Comprehensive Plan Amendment for Seminole County (DCA 07PEFE-1), which was received on September 11, 2007. The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code and Chapter 163, Part II, Florida Statutes and the Seminole County Comprehensive Plan, and prepared the attached report, which outlines our findings.

It is particularly important that the County address the objections set forth in our review report so that these issues can be successfully resolved prior to adoption of the amendment. We have included a copy of state and regional agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, we have attached procedures for final adoption and transmittal of the comprehensive plan amendment.

The amendment package consists of a new Public Schools Facilities Element and related text amendments to the Implementation, Capital Improvements, and Intergovernmental Coordination Elements to implement school concurrency. The Department is concerned that the proposed Public School Facilities Element is inconsistent with Rules 9J-5.025(3)(c)1 and (c)8, Florida Administrative Code, and Section 163.3177(12)(i), Florida Statutes. The proposed Public School Facilities Element is also not supported by appropriate data consistent with Rule 9J-5.005(2), Florida Administrative Code, as it relates to the interlocal agreement.

The Department has received a copy of the fully executed 2007 Interlocal Agreement and has identified a major concern with regards to the implementation of school concurrency in Seminole County. Section 11.1 of the executed 2007 Interlocal Agreement states that the Seminole County School District's School Concurrency Program shall commence on January 1, 2009. This is inconsistent with the January 1, 2008 deadline established for Seminole County in

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2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
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2555 Shumard Oak Boulevard
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The Honorable Carlton D. Henley
November 9, 2007
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accordance with Section 163.3177(12)(i), Florida Statutes. It should be noted that the executed 2007 Interlocal Agreement is currently undergoing a consistency review, and the Department will issue a Notice of Intent (NOI) to find the executed 2007 Interlocal Agreement Consistent or Not Consistent with statutes no later than December 20, 2007. The County is advised that should the Department issue a NOI of Inconsistency, the executed 2007 Interlocal Agreement will need to be revised to address the inconsistency, re-executed by all appropriate parties and re-submitted to the Department for a consistency review. The County is further advised that the data and analysis objection will stand until such time that the executed 2007 Interlocal Agreement is found consistent with statutory provisions.

In addition to the objections, our report contains two comments related to internal discrepancies in the support documents for which the County should provide additional clarification. I believe the concerns outlined in our report can be readily resolved. My staff is available to assist the County in responding to our report and to work towards a mutually acceptable solution. If you or your staff have any questions or comments, or if we may be of further assistance to you as you formulate your response to this report, please contact Anoch P. Whitfield, Principal Planner, at (850) 922-1793 or by email to anoch.whitfield@dca.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is fluid and cursive, with the first name "Mike" and last name "McDaniel" clearly distinguishable.

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/apw

Enclosures: Review Agency Comments
Objections, Recommendations and Comments Report

cc: Sheryl Stolzenberg, Principal Coordinator, Seminole County Planning Department
Phil Laurien, Executive Director, East Central Florida Regional Planning Council

TRANSMITTAL PROCEDURES

Upon receipt of this letter, Seminole County has 60 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code. The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), Florida Statutes.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), Florida Administrative Code, please provide a copy of the adopted amendment directly to the Executive Director of the East Central Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), Florida Statutes, requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event there are no citizens requesting this information, please inform us of this as well. For efficiency, we encourage that the information sheet be provided in electronic format.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR SEMINOLE COUNTY
COMPREHENSIVE PLAN AMENDMENT 07PEFE-1

November 9, 2007
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Seminole County's proposed amendment to its comprehensive plan (DCA 07PEFE-1) pursuant to Chapter 163.3184, Florida Statutes.

The objections relate to specific requirements of relevant portions of Rule 9J-5, Florida Administrative Code, and Chapter 163, Part II, Florida Statutes. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 95-5.002(2), Florida Administrative Code, must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS
SEMINOLE COUNTY
PROPOSED AMENDMENT 07PEFE-1**

I. CONSISTENCY WITH CHAPTER 163, PART II, FLORIDA STATUTES, AND CHAPTER 9J-5, FLORIDA ADMINISTRATIVE CODE

The Department raises the following objections to the proposed Seminole County plan amendments to implement school concurrency (DCA # 07PEFE-1).

A. New Public Schools Facilities Element: Seminole County proposes a new Public School Facilities Element for the implementation of school concurrency planning as required by Sections 163.3177(12) and 163.3180(13), Florida Statutes, and Rule 9J-5.025, Florida Administrative Code.

1. Objection: The proposed Public School Facilities Element plan amendment is inconsistent with the following rule and statutory requirements:

- a) Rule 9J-5.025(3)(c)1, Florida Administrative Code: The proposed PSFE does not contain policies to establish guidelines and standards for modifications to the concurrency service areas and policies providing that revisions to concurrency service areas ensure maximum utilization of school capacity to the greatest extent possible, taking into account transportation costs, court approved desegregation plans, as well as other factors.
- b) Rule 9J-5.025(3)(c)8, Florida Administrative Code: The proposed PSFE does not contain policies or provisions requiring the consideration of adjacent concurrency service areas to address the demand for student stations resulting from a new development.
- c) Section 163.3177(12)(i), Florida Statutes: The combination of proposed Policies 2.2 and 4.3 appears to delay the implementation of school concurrency until after the mandatory January 1, 2008 deadline established by the State Land Planning Agency for the Seminole County School District. Proposed Policies 4.5.I, 7.3 and 7.4 also make reference to a proposed July 1, 2008 deadline with regards to proportionate fair share. These proposed policies are inconsistent with the requirements of Section 163.3177(12)(i), Florida Statutes, as it relates to the timing and implementation of district-wide school concurrency.

[Authority: Rules 9J-5.005(2) and (5); 9J-5.025(3)(c)1, (c)7 and (c)8, Florida Administrative Code, and Sections 163.3177(2) and (8); 163.3177(10)(e) and 163.3177(12)(i), Florida Statutes]

Recommendation: The proposed Public School Facilities Element should be revised to include appropriate policies in accordance with Rules 9J-5.025(3)(c)1 and (c)8, Florida Administrative Code. Such policies should establish guidelines and standards for modifications to the concurrency service areas, require the consideration of adjacent concurrency service areas to address the demand for student stations resulting from a new development and provide that

revisions to concurrency service areas ensure maximum utilization of school capacity to the greatest extent possible, taking into account transportation costs, court approved desegregation plans, as well as other factors. The County should also revise proposed Policies II.B, IV.C, IV.E(11), VII.C and VII.D to be consistent with the mandatory January 1, 2008 deadline for the implementation of school concurrency as established by the State Land Planning Agency for the Seminole County School District in accordance with Section 163.3177(12)(i), Florida Statutes.

2. **Objection:** The proposed PSFE is based upon a fully executed interlocal agreement that is not consistent with Section 163.3177(12)(i), Florida Statutes. The interlocal agreement states that the Seminole County Public School Concurrency Program will not commence until January 1, 2009, which is inconsistent with the January 1, 2008 deadline established by the State Land Planning Agency for the Seminole County School District pursuant to Section 163.3177(12)(i), Florida Statutes. Therefore, the proposed PSFE is not supported by appropriate data in accordance with Rule 9J-5.005(2), Florida Administrative Code.

[Authority: Rules 9J-5.005(2) and 9J-5.025, Florida Administrative Code, and Sections 163.3177(5)(a) and (12)(c); 163.3177(12)(i); 163.3177(2) and 163.3180(13)(a), Florida Statutes]

Recommendation: Because the interlocal agreement has already been fully executed by all relevant parties, it must be revised and re-executed by all relevant parties and re-submitted to the Department for a consistency review. The interlocal agreement should be revised to state that public school concurrency in Seminole County shall commence on January 1, 2008, as established by the State Land Planning Agency, not January 1, 2009. The executed interlocal agreement must be consistent with Sections 163.3177(12)(i) and 163.3177(2), Florida Statutes. As the executed 2007 Interlocal Agreement is currently undergoing a consistency review, the Department recommends that the City, the County, the School Board and the other six cities await the Department's consistency Notice of Intent, which is scheduled to be issued no later than December 20, 2007, before finalizing any revisions or modifications to the interlocal agreement.

II. COMMENTS

The Department recommends that the County explain why there are discrepancies in the projected 10-year middle school planned utilization rates as compared to the School District's capacity and COFTE enrollment projections or coordinate with the Seminole County School District to reconcile such discrepancies. The Department recommends that the County coordinate with the School Board and explain why there are discrepancies in the amount of "Undesignated" funds listed in the District's 5-Year Work Program as compared to the *Seminole County School District 2007-2008 Work Plan* document.

III. CONSISTENCY WITH STATE COMPREHENSIVE PLAN

1. Objection: The proposed Seminole County 07PEFE-1 plan amendment is not consistent with and does not further the following goals and objectives of the State Comprehensive Plan [Section 187.201, Florida Statutes]:

Inconsistency with Growth Management Laws Objection:
(25) Plan Implementation: Goal (a) and Policies (b)7

Recommendation: By addressing the concerns noted in Section I, this inconsistency with Chapter 187, Florida Statutes, can be addressed.

AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; CREATING A PUBLIC SCHOOL FACILITIES ELEMENT; AMENDING THE TEXT OF THE CAPITAL IMPROVEMENTS, IMPLEMENTATION AND INTERGOVERNMENTAL COORDINATION ELEMENTS OF THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County (hereinafter referred to as the "Board") enacted Ordinance Number 91-13, adopting the 1991 Seminole County Comprehensive Plan, which was subsequently amended in accordance with State law; and

WHEREAS, the Board enacted Ordinance Number 2001-21, which renamed the 1991 Seminole County Comprehensive Plan to the "Vision 2020 Seminole County Comprehensive Plan" (hereinafter referred to as the "Plan"); and

WHEREAS, the Board has followed the procedures set forth in Sections 163.3177(6)(h)(1), 163.31777, and 163.3180(13), Florida Statutes, in order to prepare a public school Interlocal Agreement and Intergovernmental Coordination Element of the Comprehensive Plan to create coordinated procedures for implementing school concurrency; and

WHEREAS, local governments and school boards are required to implement school concurrency pursuant to Sections

163.3180(13)(a) and 163.3177(12), Florida Statutes, and Rule 9J-5.025, F.A.C.; and

WHEREAS, the Board has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a public hearing with all required public notice for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendments set forth herein; and

WHEREAS, the Board held public hearings with all required public notice for the purposes of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the adoption of a School Facilities Element as set forth herein; and

WHEREAS, the Board hereby finds that the Plan, as amended by this ordinance, is internally consistent with and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, and the State Comprehensive Plan, and the Strategic Regional Plan of the East Central Florida Regional Planning Council; and

WHEREAS, the Plan amendments set forth herein have been reviewed by all required State agencies and the Objectives,

Recommendations and Comments Report prepared by the Department of Community Affairs has been considered by the Board; and

WHEREAS, the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of each text amendment enacted by this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance in accordance with the provisions of the Seminole County Home Rule Charter,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Legislative Findings. The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.

Section 2. Adoption of Public School Facilities Element.

The Seminole County Comprehensive Plan is hereby amended as noted in the following table:

| Ord. Exh. | Name | Amendment Number | Amended Elements | LPA Hearing Date | BCC Hearing Dates |
|--------------|---|---------------------|-------------------------|------------------------|-------------------------|
| A | Public School Facilities Element | 07EX1.TXT01 | School Element (new) | 08/01/07 | 08/28/07 01/22/08 |

Section 3. Text Amendments. The text of the Plan is hereby amended as set forth in Exhibit B (attached hereto and incorporated herein by this reference) as noted in the following table:

| Ord. Exh. | Name | Amendment Number | Amended Elements | LPA Hearing Date | BCC Hearing Dates |
|-----------|---------------------------|-------------------------------------|--------------------------------|------------------|----------------------|
| B | Public School Concurrency | 07EX1.TXT02.1 | Capital Improvements | 08/01/07 | 08/28/07 01/22/08 |
| | | 07EX1.TXT03.1 through 07EX1.TXT03.5 | Implementation | | |
| | | 07EX1.TXT04.1 through 07EX1.TXT04.9 | Intergovernmental Coordination | | |
| | | | | | |

Section 4. Severability.

(a) The enactment of this Ordinance includes one (1) additional element, and three (3) text amendments.

(b) If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. Exclusion From County Code/Codification.

(a) It is the intent of this Board that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to

codify this Ordinance as a separate document or as part of or as a volume of the Land Development Code of Seminole County in accordance with prior directions given to the said Code codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 6. Effective Date.

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with State law.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendments set forth herein shall be twenty-two (22) days after the Florida Department of Community Affairs' publication of a notice of intent to find the Plan amendments in compliance, if no affected party challenges the Plan amendments, or, if an affected party challenges the Plan amendments, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendments are in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders or development permits, if

dependent upon an amendment, may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission adopting a resolution affirming its effective status, a copy of said resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 22nd day of January 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

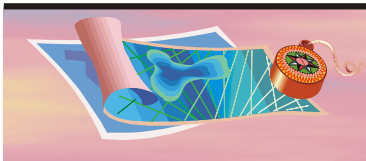
Exhibit A

[PUBLIC SCHOOL FACILITIES ELEMENT]

Exhibit B

Text amendments to the
Capital Improvements, Implementation and Intergovernmental Coordination Elements

(See following page)



Vision 2020 Comprehensive Plan Seminole County, Florida

Facility Program – Public School Facilities

Summary of Policies, Programs and Capital Improvements with Cost Impacts Public School Facilities

| Scheduled Program and Cost Impacts for 10/1/2007 - 9/30/2012 | |
|---|----------------|
| The Seminole County School Board Capital Improvements Plan includes significant remodeling of existing structures and the building of new structures to expand student capacity over the next five years. | |
| Total 5 Year Cost | \$ 277,141,683 |

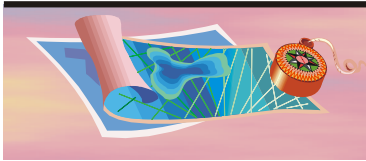
| Potential Additional Cost Impacts During/Beyond The Five Year Planning Period |
|---|
| Unknown impact of tax changes done in 2006 and whether slow down in student enrollment will continue, hold steady, or again start to rise. |
| Available Funding Options – Major revenue sources available to the School Board are Millage, Sales Tax, Impact Fees, Gasoline Tax Refund, COPS, RAN, Local Cap Improvement/Interest. |

Source: SCPS - 2007-2008 Five Year Capital Improvement Plan - Sept 11, 2007

(New element section of 5 pages added: Amendment 07EX1.TXT02.1, Ordinance 2008-XX, 01/XX/2008)

ENTIRE PAGE TO BE CONSIDERED UNDERLINED





Vision 2020 Comprehensive Plan Seminole County, Florida

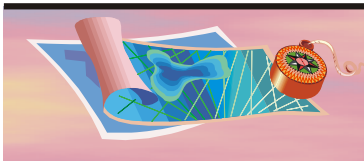
Level of Service

Seminole County adopts the following level of service standards by type of school based on the permanent Florida Inventory of School Houses (FISH) capacity established by the Seminole County School Board.

| | <u>2008 - 2012</u> | <u>Beginning 2013</u> |
|----------------------------------|--|--|
| <u>Elementary and Middle CSA</u> | <u>100% of Permanent FISH Capacity</u> | <u>100% of Permanent FISH Capacity</u> |
| <u>High School CSA</u> | <u>110% of Permanent FISH Capacity</u> | <u>100% of Permanent FISH Capacity</u> |

ENTIRE PAGE TO BE CONSIDERED UNDERLINED





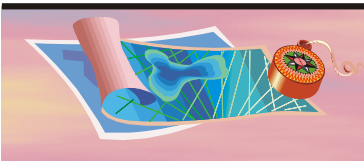
Vision 2020 Comprehensive Plan Seminole County, Florida

School Capital Improvement Revenue Sources

| REVENUE | 2007/08 | 2008/09 | 2009/10 | 2010/11 | 2011/12 |
|-----------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| STATE | | | | | |
| Class Size Reduction | \$5,409,345 | \$0 | \$0 | \$0 | \$0 |
| PECO New Construction | \$2,929,596 | \$1,985,715 | \$1,985,715 | \$1,985,715 | \$1,985,715 |
| PECO Maintenance | \$3,815,185 | \$2,050,000 | \$2,505,000 | \$2,050,000 | \$2,050,000 |
| CO&DS Bonds | \$0 | \$0 | \$0 | \$0 | \$0 |
| CO&DS | \$368,064 | \$368,064 | \$368,064 | \$368,064 | \$368,064 |
| | | | | | |
| LOCAL | | | | | |
| Mill | \$64,081,232 | \$67,238,758 | \$71,273,083 | \$75,549,468 | \$80,082,436 |
| Sales Tax | \$18,617,585 | \$14,070,410 | \$9,270,699 | \$9,548,820 | \$4,844,968 |
| Impact Fees | \$3,500,000 | \$3,500,000 | \$3,500,000 | \$3,500,000 | \$3,500,000 |
| Gassoline tax refund | \$100,000 | \$100,000 | \$100,000 | \$100,000 | \$100,000 |
| COPS | \$0 | \$0 | \$0 | \$0 | \$0 |
| RAN | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Cap Improve./Interest | \$1,000,000 | \$1,000,000 | \$1,000,000 | \$1,000,000 | \$1,000,000 |
| Undesignated | \$31,891,441 | \$0 | \$0 | \$0 | \$0 |
| Sub-Total | \$131,712,448 | \$90,312,947 | \$90,002,561 | \$94,102,067 | \$93,931,183 |
| | | | | | |
| Prior Year Carryover | \$0 | \$13,358,021 | \$34,538,052 | \$18,378,797 | \$10,567,286 |
| Total | \$131,712,448 | \$103,670,968 | \$124,540,613 | \$112,480,864 | \$104,498,469 |

ENTIRE PAGE TO BE CONSIDERED UNDERLINED





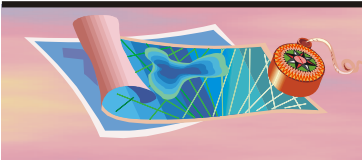
Vision 2020 Comprehensive Plan Seminole County, Florida

Planned New Public School Facility Construction

| NEW CONSTRUCTION | 2007/08 | 2008/09 | 2009/10 | 2010/11 | 2011/12 |
|----------------------------------|--------------------|--------------------|---------------------|---------------------|---------------------|
| LAND | | | | \$6,000,000 | |
| NEW MIDWAY ELEM | \$2,000,000 | | | | |
| NEW ELEMENTARY SCHOOL (SITE TBD) | | \$1,000,000 | \$15,000,000 | | |
| NEW ELEMENTARY SCHOOL (SITE TBD) | | | \$1,000,000 | \$15,000,000 | |
| NEW MIDDLE (SITE TBD) | | | | \$2,000,000 | \$33,000,000 |
| NEW HIGH SCHOOL (SITE TBD) | | | | | \$5,000,000 |
| 30 MODULAR CLASSROOMS | \$3,180,000 | | | | |
| ROSENWALD | | \$1,000,000 | \$15,000,000 | | |
| Totals | \$5,180,000 | \$2,000,000 | \$31,000,000 | \$23,000,000 | \$38,000,000 |

ENTIRE PAGE TO BE CONSIDERED UNDERLINED





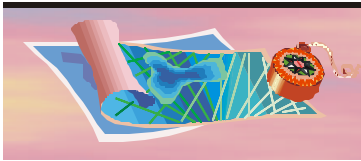
Vision 2020 Comprehensive Plan Seminole County, Florida

School Facility Additions/Remodeling

| LOCATION | 2007/08 | 2008/09 | 2009/10 | 2010/11 | 2011/12 |
|--------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| GREENWOOD LAKES MIDDLE | | | \$800,000 | \$11,000,000 | |
| CASSELBERRY | | | | | \$1,000,000 |
| HAMILTON | | | | \$1,000,000 | \$7,000,000 |
| IDYLLWILDE ADMIN | | | \$500,000 | \$1,000,000 | |
| JACKSON HEIGHTS ROUND BLDG | | | \$500,000 | \$6,000,000 | |
| LAKE ORIENTA | \$10,166,683 | | | | |
| PINE CREST ADDITION/REMODELING | | | \$4,000,000 | \$10,000,000 | |
| SEMINOLE HIGH | \$18,000,000 | \$5,000,000 | | | |
| SMALL PROJECTS | \$1,395,000 | \$700,000 | \$700,000 | \$700,000 | \$700,000 |
| SPRING LAKE | | \$1,000,000 | \$10,000,000 | | |
| STENSTROM | | | \$1,000,000 | \$9,000,000 | |
| WEKIVA | | \$1,000,000 | \$11,000,000 | | |
| WILSON/GENEVA PODS | | | | \$800,000 | \$6,000,000 |
| SALES TAX PROJECTS | | | | | |
| OVIEDO HIGH | \$22,000,000 | \$5,000,000 | | | |
| RED BUG | | \$1,000,000 | \$7,000,000 | | |
| SABAL POINT | \$11,000,000 | | | | |
| STERLING PARK | \$1,000,000 | \$11,000,000 | | | |
| Totals | \$63,561,683 | \$24,700,000 | \$35,500,000 | \$39,500,000 | \$14,700,000 |

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Vision 2020 Comprehensive Plan Seminole County, Florida

IMPLEMENTATION ELEMENT INTRODUCTION

The Vision 2020 Comprehensive Plan includes the following statutorily required and optional Elements:

| | |
|--|---|
| Capital Improvements | Intergovernmental Coordination |
| Conservation | Library Services (optional) |
| Design (optional) | Potable Water |
| Drainage | Public Safety (optional) |
| Economic (optional and to be updated in 2002.) | Public School Facilities |
| | Recreation and Open Space (optional) |
| Future Land Use | Sanitary Sewer |
| Housing | Solid Waste |
| Implementation (optional) | Transportation |

Plan Elements are supported by the best available data and analysis from County, regional, state, federal, and other units of local government and various agencies. Each Element of the Vision 2020 Comprehensive Plan contains goals (long-term achievements), objectives (events to achieve goals) and policies (specific actions to take in achieving objectives).

Seminole County adopted its first Comprehensive Plan to meet Rule 9J-5 requirements on September 11, 1991. As part of the early efforts to implement the plan in 1992, the County was required to identify nonconforming uses and zoning and conflicting zonings and every effort was made to bring these uses/zonings into compliance with the adopted Comprehensive Plan. An extensive search was completed on all parcels in unincorporated Seminole County to identify nonconforming uses and zonings and conflicting zonings and these were brought to the Board of County Commissioners' attention in advertised public hearings to rectify in accordance with the recommendations of the Comprehensive Plan. Since a thorough review of nonconforming uses/zonings and conflicting zonings was dealt with in 1992 and the County, to the best of its ability, has not created any additional nonconforming land uses or zonings or conflicting zonings, the County does not need to repeat this effort after final adoption of Vision 2020. Should a nonconforming use or rezoning or a conflicting zoning be discovered, the County will act accordingly to take steps to bring the land into conformity. Language directing how administrative land use amendments and rezonings to correct nonconforming parcels is included should the need arise.

As required by the adoption of the 1991 plan, the County has implemented a Concurrency Management System and this element describes how this system is carried out. The element also describes how public participation is to be addressed above and beyond the statutory requirements. This element also gives direction on how or when to accomplish other mandated plan programs to include preparation of future Evaluation and Appraisal Reports, annual Capital Improvement Element Updates, Land Development Code amendments for consistency to Vision 2020 and Future Land Use Amendments.

(Revised: Amendment 07EX1.TXT03.1, Ordinance 2008-XX, 01/XX/2008)



Vision 2020 Comprehensive Plan Seminole County, Florida



Subsequent Procedures

The provisions set forth herein are minimum provisions which are intended to facilitate the orderly review, discussion and consideration of public matters relating to comprehensive planning and related processes.

CONCURRENCY MANAGEMENT SYSTEM

The following program descriptions are intended to ensure that the levels of service established in the Comprehensive Plan will be achieved or exceeded. Each implementation program has been adopted by ordinance, resolution or executive order, as appropriate for each implementation program.

Definitions

The following definitions apply (and are to be included in the adopted Comprehensive Plan's section containing defined terms):

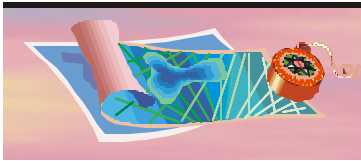
A "Category of public facilities" means a specific group of public facilities, as follows:

- 1 Concurrency Facilities Operated by County. Category I public facilities are arterial and collector roads, mass transit, stormwater management, potable water, sanitary sewer, solid waste, and parks and recreation facilities owned or operated by the County, all of which are addressed in the several Elements of the Vision 2020 Plan. Mass transit is a Category I public facility even though the County contracts with LYNX – Central Florida Regional Transportation Authority, to provide mass transit on behalf of the County.
- 2 Non-Concurrency Facilities Operated by County. Category II public facilities are libraries, fire-rescue service and other government facilities owned or operated by the County and included as facility Elements in this Comprehensive Plan.
- 3 Concurrency Facilities Operated by Non-County Entities. Category III public facilities are arterial and collector roads, mass transit, stormwater management, potable water, sanitary sewer, solid waste, ~~and~~ and parks and recreation facilities owned or operated by federal, state, municipal or other county governments, independent districts, and private organizations and public schools.

B "Development order" means any order or permit granting, denying, or granting with conditions an application for a preliminary development order, final development order, development permit or any other official action of the County having the effect of permitting the development of land.

- 1 "Preliminary development order" means a new land use designation to a parcel of real property, a planned commercial development preliminary master plan, a planned unit development preliminary master plan, the rezoning of a parcel of real property or a subdivision development plan.
- 2 "Final development order" means the approval of a development of regional impact, a borrow pit permit, an electrical permit, a planned commercial development final master plan, a planned unit development final master plan, a right-of-way utilization permit, a site plan, a special exception or variance, a subdivision preliminary plat, a subdivision final plat, an underground utility permit, a waiver to subdivision platting requirements, a dredge and fill permit, a written agreement with Seminole County School Board for the provision of public facilities and services as required by State Law and any other development order which results in an immediate and continuing impact upon concurrency public facilities. "Final Development orders" may address future expansions of a development and may provide for phasing. A "Final Development order" may provide for conditions which must be met in order for subsequent approvals to be given or permits to be issued.





Vision 2020 Comprehensive Plan Seminole County, Florida

- 3 "Development permit" means an arbor permit, a building permit, a construction permit-site, a construction permit-subdivision, a deck and porch permit, a plumbing permit, a razing permit, a septic repair permit, a septic tank permit, a sign permit and any other development approval other than a final development order or preliminary development order.
- 4 "Public facility" means the capital improvements and systems of each of the following: arterial and collector roads, mass transit, stormwater management, potable water, sanitary sewer, solid waste, parks and recreation, library, fire-rescue service, and other County buildings.

(Revised: Amendment 07EX1.TXT03.2, Ordinance 2008-XX, 01/XX/2008)

Land Development Regulations

The County shall maintain its land development regulations providing for a system of review of various applications for development orders and permits which applications, if granted, would impact the levels of service of Category I and Category III public facilities. Such system of review shall assure that no final development order or development permit shall be issued which results in a reduction in the levels of service below the standards adopted in the Comprehensive Plan for Category I and Category III public facilities. The County land development regulations shall also contain the methodology for determining the proportionate fair-share obligation for a transportation facility, if said transportation facility fails to achieve transportation concurrency and the developer of a proposed development wishes to exercise the option to satisfy transportation concurrency in this manner as provided by Section 163.3180(16), F.S. The methodology to calculate proportionate fair-share mitigation, which is specified in the Land Development Code, shall be as provided in Section 163.3180(12), F.S. Proportionate fair-share mitigation includes separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by Seminole County. In addition, pursuant to Section 163.3180(16)(e), F.S., and as required in the Land Development Code, mitigation for development impacts to facilities on the Strategic Intermodal System requires concurrence of the Department of Transportation.

(Revised: Amendment 06F.TXT01.2.1, Ordinance 2006-81, 12/12/2006)

In compliance with State Law As of July 1, 2008, the County Land Development Regulations shall contain a methodology to calculate the proportionate fair share and options for school facilities, pursuant to Section 163.3180(13)(e), F.S., should a developer wish to pursue this option. This option requires concurrence of the Seminole County School Board.

(Added: Amendment 07EX1.TXT03.3, Ordinance 2008-XX, 01/XX/2008)

The land development regulations address the circumstances under which public facilities may be provided by applicants for development orders or permits. Development orders and permits may be issued subject to the provision of public facilities by the applicant subject to each of the following requirements:

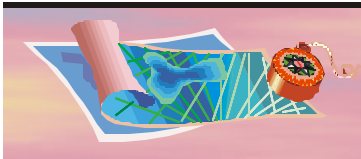
- A The County and the applicant enter into an enforceable development agreement which shall provide, at a minimum, a schedule for construction of the public facilities and mechanisms for monitoring to ensure that the public facilities are completed concurrent with the impacts of the development, or the development will not be allowed to proceed; and
- B The public facilities to be provided by the applicant are contained in the Schedule of Capital Improvements of the Comprehensive Plan, or, in the case of a development where transportation concurrency is to be met through the Proportionate Fair-Share methodology calculated as provided in Section 163.3180(12)F.S. and in accordance with Section 163.3180(16) F.S., a transportation improvement or improvements are added to the Schedule of Capital Improvements of the Comprehensive Plan and the County five-year Capital Improvement Program no later than the next regular update of those documents.

(Revised: Amendment 06F.TXT01.2.2, Ordinance 2006-81, 12/12/2006)

Concurrency Implementation and Monitoring System

The County shall continue Concurrency Implementation and Monitoring Systems consisting of the following components:





Vision 2020 Comprehensive Plan Seminole County, Florida

IMPLEMENTATION ELEMENT CONCURRENCY MANAGEMENT SYSTEM OBJECTIVES AND POLICIES

OBJECTIVE IMP 1 ESTABLISH LEVEL OF SERVICE STANDARDS

The County shall continue to enforce standards for levels of service for Categories I, II, and III of public facilities, and shall apply the standards as set forth defined in the policies below.

Policy IMP 1.1 **Concurrency**

The standards for levels of service of each type of public facility in Category I shall apply to development orders issued by the County after March 31, 1992, or such earlier date as may be adopted by the County, the County's annual budgets beginning with the 1991-92 fiscal year, the County's Capital Improvement Programs beginning with the 1991-92 fiscal year, and other Elements of this Comprehensive Plan.

Policy IMP 1.2 **Non-Concurrency Facilities Operated by County (Category II).**

The standards for levels of service of each type of public facility in Category II shall apply to the County's annual budgets beginning with the 1991-92 fiscal year, and the County's Capital Improvements Programs beginning with the 1991-92 fiscal year, but shall not apply to development orders issued by the County.

Policy IMP 1.3 **Concurrency Facilities Operated by Non-County Entities (Category III).**

The standards for levels of service of each type of public facility in Category III shall apply to development orders issued by the County after March 31, 1992, or such earlier date as may be adopted by the County, and other elements of this Comprehensive Plan, but shall not apply to the County's annual budgets or the County's Capital Improvement Programs. The exception shall be that levels of service for public schools shall apply to development orders issued by the County after January 1, 2008.

(Revised Amendment 07EX1.TXT03.4, Ordinance 2008-XX, 01/XX/2008)



Vision 2020 Comprehensive Plan Seminole County, Florida



OBJECTIVE IMP 3 GEOGRAPHIC AREAS FOR DETERMINATION

The standards for levels of service of Category I and Category III public facilities shall be applied to the issuance of development orders on the geographical basis as described in the policies below.

Policy IMP 3.1 Arterial and Collector Roads

No development order or permit shall be issued in any unincorporated part of Seminole County if the standard for levels of service of arterial and collector roads are not achieved and maintained. The County shall identify, in the land development regulations, trip generation thresholds and geographic impact areas for developments based upon types of land uses, associated densities and intensities, total trip generation and radius of traffic impact.

Policy IMP 3.2 Other Public Facilities Which Serve All of Seminole County

Other public facilities which serve all of Seminole County shall achieve and maintain the standards for levels of service on a Countywide basis. No development order or permit shall be issued in any unincorporated part of Seminole County if the standard for levels of service are not achieved and maintained throughout the County for:

- A Solid Waste Disposal
- B Parks and Recreational Facilities

Policy IMP 3.3 Other Public Facilities Which Serve Less Than All of Seminole County

Other public facilities which serve less than all of Seminole County shall achieve and maintain the standard for levels of service within their assigned service area. No development order or permit shall be issued in an assigned service area if the standard for levels of service are not achieved and maintained throughout the assigned service area for the following public facilities and assigned service areas:

- A Potable Water Systems: Water System Service Area as designated in the Potable Water Element of the Comprehensive Plan.
- B Sanitary Sewer Systems: Sewer System Service Area as designated in the Sanitary Sewer Element of the Comprehensive Plan.
- C Stormwater Management Systems: Site Specific.
- D Mass Transit: Mass Transit Service Areas.

E Public School Facilities. School concurrency shall be measured and applied using a geographic area known as a Concurrency Service Area (CSA) which coincides with groupings of school attendance zones within each school type based on adjacency, as established by the 2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008 (Interlocal Agreement). The mappings of CSAs are included in the data and analysis of the Public School Facilities Element Support Document and are provided in the Appendix to the Interlocal Agreement.

(Revised:Amendment 07EX1.TXT03.5, Ordinance 2008-XX, 01/XX/2008)



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The Intergovernmental Coordination Element's Goals/Objectives/Policies section contains its own policies in addition to policies that originate from other Plan elements. These other element policies are grouped and given a collective Intergovernmental Element Policy number and further referenced by the policy name and number from the other element. The number of policies from other elements is extensive, demonstrating coordination efforts documented or recommended concerning the topic of the individual elements.

All existing intergovernmental coordination programs are continued by this Plan. Primarily, these include the Council of Local Governments of Seminole County (~~CLGSC~~) (CALNO) for policy-level coordination with each of the County's seven Cities and conflict resolution; the Mayors/Managers Working Group; the Planning Technical Advisory Committee (PTAC) which is comprised of the Planning Managers (or equivalent) of the Cities, County and the School Board of Seminole County, interlocal agreements/annexation agreements for various services and planning services/issues; and use of the East Central Florida Regional Planning Council and METROPLAN ORLANDO (the Metropolitan Planning Organization) as regional forums for regional coordination.

The County has successfully improved coordination with the Seminole County School Board to implement Section 235.192 F.S. that requires the County to review school site plans for off-site impacts, land use compatibility and impact on County services and infrastructure. ~~The County is working with the School Board to implement its second interlocal agreement with them to heighten coordination of school locations. In 2007, the County entered into an Interlocal Agreement for Public School Facility Planning and School Concurrency with the Seminole County School Board and the seven cities, as required by State Law. The 2007 Interlocal Agreement provides for sharing of data on student enrollment, population projections and educational facilities plans; procedures for joint planning for selection of new school sites, remodeling and closures of schools; inclusion of school capital improvement program for school capacity within the County and city Capital Improvement Elements in compliance with State Law; procedures for determining how services needed by a public school (such as sidewalks, roads, water or sewer) will be provided and a uniform Public School Concurrency process, as required by State Law. This 2007 Interlocal Agreement was subsequently amended in January 2008 to comply with State Law.~~

To ensure that City-County coordination results in efficient provision of services and compatible land uses, Vision 2020 will carry out coordination with those Cities that currently have joint planning interlocal agreements, such as the Cities of Sanford and Oviedo, or annexation agreements, as with the Cities of Altamonte Springs, Winter Springs and Longwood. The County, the School Board and all Cities, except Longwood, have entered into an Intergovernmental Planning Coordination Agreement in 1997 that assures notice to each entity for zoning and land use changes that may be of a multi-jurisdictional significance. It is noteworthy to



Vision 2020 Comprehensive Plan

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In 1999, the County amended the Plan to address the location of new public elementary, middle and high schools to meet the Provisions of Chapter 163, Florida Statutes. ~~Efforts are currently underway to develop an interlocal agreement among the County, municipalities and the School Board to establish joint processes for collaborative planning as required by Chapter 163, Florida Statutes for the location of new public schools. This interlocal would address the review process for new public schools, co-location of schools with other public facilities, such as parks or libraries, the location and extension of other public facilities needed by the school that are subject to concurrency, such as roads, water or sewer.~~ In 2007, the County entered into an Interlocal Agreement titled “2007 Interlocal Agreement for Public School Facility Planning and School Concurrency” with the Seminole County School Board and the seven cities, as required by State Law. The 2007 Interlocal Agreement provides for sharing of data on student enrollment, population projections and educational facilities plans; procedures for joint planning for selection of new school sites, remodeling and closures of schools; inclusion of school capital improvement program for school capacity within the County and city Capital Improvement Elements in compliance with State Law; procedures for determining how services needed by a public school (such as sidewalks, roads, water or sewer) will be provided and a uniform Public School Concurrency process, as required by State Law. This Interlocal adopted in 2007 superceded an Agreement titled “Interlocal Agreement for Public School Facility Planning” that had been adopted in 2003. The 2007 Interlocal Agreement was amended in January 2008 to comply with State Law, and is now entitled “2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008”.

(Revised:Amendment 07EX1.TXT04.2, Ordinance 2008-XX, 01/XX/2008)

Even with these agreements in place, land use related conflicts flare up between the Cities and Seminole County government that deal with the following issues or areas:

A Issues relating to annexations

- 1 elimination of residential or non-residential lands in enclaves
- 2 preventing the creation of any new enclaves
- 3 proposed uses of lands being annexed that are incompatible to adjacent uses or lands in unincorporated Seminole County



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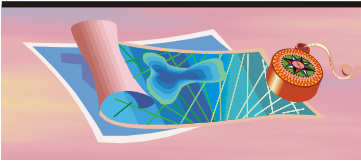


In 1999, Seminole County amended the Intergovernmental Coordination Element of the Comprehensive Plan to strengthen its policies regarding coordination with the School Board of Seminole County to meet requirements of Chapter 163, Florida Statutes. Those new coordination policies dealt with the need to enter into formal agreements with the School Board to co-locate other public facilities, such as parks or libraries, near new or existing school sites/plants, the need to share data information and provide a means for the County to review school locations. Implementation of these policies is underway, in addition to a strong history of intergovernmental coordination efforts with the Seminole County School Board.

The County adopted in 1992 an interlocal to collect school impact fees on residential building permits. Quarterly the County forwards these collected fees to the School Board to fund capital improvements, such as land acquisition, pedestrian access, signalization for school or pedestrian access and other improvements. The County will ~~need to~~ continue to work closely with the School Board to investigate alternative funding mechanisms for school capital improvements, such as the ~~upcoming~~ one-cent sales tax revenue referendum ~~approved scheduled~~ in September of 2001 ~~which provided whereby upon approval,~~ the School Board ~~would~~ receive twenty-five percent of the proceeds.

The School Board participated in the 1997 interlocal agreement between the County, all Cities, except Longwood, and the Seminole County School Board to establish a framework for coordination, communication and notification of proposed land use actions between the entities. A representative of the School Board sits on the Planning Technical Advisory Committee. The County in 1995 adopted as part of the Land Development Code provisions for public school locational criteria and site design standards. ~~In 2003, the County Efforts are currently underway to~~ entered into an interlocal agreement with the School Board and the Cities ~~to that would~~ address the review process for new public schools, the co-location of schools with other public facilities, such as parks or libraries and the location and extension of other public facilities needed by the school that are subject to concurrency, such as roads, water or sewer. The 2003 Interlocal was superseded by the "2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008". Upon adoption of the new Interlocal Agreement As of July 1, 2008, After the interlocal agreement is finalized, Seminole County ~~revised will need to review the~~ regulations ~~presently~~ in the Land Development Code





Vision 2020 Comprehensive Plan Seminole County, Florida

in compliance with State Law and amended ed them as necessary for conformance to the interlocal agreement adopted in 2007 and amended in January 2008.

Other coordination efforts include the open invitation for a representative of the School Board to attend the County's weekly Development Review Committee meeting to provide input on development impacting school issues. The School Board by interlocal agreement leases space from the County for use of the County's fiber optic cable and can access available County information, such as the Geographical Information System (GIS). On an informal basis the County and the School Board share statistical information, particularly school enrollment figures and projections (for example, school enrollment data is used in forecasting travel demand). The County commits to continue to actively work with the School Board in making Seminole County a better place to learn.

One partnership between the School Board and the County, that has the potential to be broadened, is the sharing of recreational facilities. Although this is currently occurring at Greenwood Lakes Middle School and Red Bug Lake Elementary School with the adjacent county parks, additional joint use of facilities is feasible. The School Board currently has partnerships with the many of the Cities for the provisions of joint use of facilities and tied to this are numerous recreational programs underway. A good example is the cooperative efforts between the School Board and the City of Altamonte Springs by sharing of ballfields and the joint use of the pool at Lake Brantley High School.

(Revised: Amendment 07EX1.TXT04.3, Ordinance 2008-XX, 01/XX/2008)

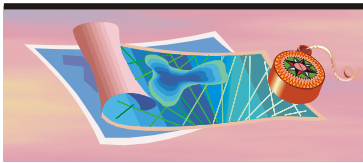
Issue IGC 2

Coordination with Electric and Other Private Utilities

Coordination between private utilities and the County is important because utility lines are often located within County rights-of-way, are expensive to relocate and potentially impact surrounding land uses. The County should identify areas of ineffective coordination and adopt corrective measures.

Seminole County has public and private providers of utility services that fall within six transmission utility types: electric power, gas, water, sewer, cable and phone. Several issues are common to each of these: installation, maintenance and upgrade requirements; the location of transmission/distribution lines within or parallel to road rights-of-way; and the capital costs of installing, relocating and maintaining utilities.





Vision 2020 Comprehensive Plan Seminole County, Florida

INTERGOVERNMENTAL COORDINATIONAL ELEMENT GOALS, OBJECTIVES AND POLICIES

GOAL

The County shall ensure the effectiveness and efficiency of all governmental services and programs by fostering intergovernmental coordination between the county; its municipalities; adjacent governments; utilities and quasi-public agencies; and regional, state and federal governments.

OBJECTIVE IGC 1 COORDINATION OF PLAN WITH ADJACENT LOCALITIES AND THE SCHOOL BOARD

Seminole County shall coordinate its programs and Comprehensive Plan with the programs and plans of adjacent municipalities and counties and the Seminole County School Board to ensure effective and efficient delivery of public services through implementation of the following policies: (Revised: Amendment 07EX1.TXT04.4, Ordinance 2008-XX, 01/XX/2008)

Policy IGC 1.1 Joint Planning Committees

The County shall continue to use joint City/County planning committees, such as the Planning Technical Advisory Committee, to ensure consistency between comprehensive plan programs and issues.

Policy IGC 1.2 Multiparty Development Agreements

The County shall continue to seek multiparty agreements (e.g., City/County/developer tri-party agreements) as a means to expedite facility improvements and reduce public costs.

Policy IGC 1.3 Coordinated Concurrency Management Systems

The County shall continue to coordinate with the Cities and School Board in the implementation of their concurrency management system (ordinances and standards) for compatible adopted levels of service. (Revised: Amendment 07EX1.TXT04.5, Ordinance 2008-XX, 01/XX/2008)

Policy IGC 1.4 Policy Coordination

The County shall continue to participate in the Council of Local Governments of Seminole County (CALNO)(CLGSC) to provide a policymaker forum to coordinate growth plans and programs and to resolve interlocal disputes. (Revised: Amendment 07EX1.TXT04.6, Ordinance 2008-XX, 01/XX/2008)



Vision 2020 Comprehensive Plan Seminole County, Florida



Policy IGC 1.5 Advance Notification of Land Use Requests and Changes in Land Use Regulations

The County shall continue to transmit advance notification of requests for land use, zoning and development approval and changes in land use regulations to Cities that may be affected as required through formal interlocal agreements with the Cities and to the School Board of Seminole County as required by the 2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008.

(Revised: Amendment 07EX1.TXT04.7, Ordinance 2008-XX, 01/XX/2008)

Policy IGC 1.6 Interlocal Agreements for Land Use

The County shall develop new, update or maintain existing interlocal agreements or Joint Planning Agreements with the Cities for future annexations which include procedures and criteria to implement, at a minimum, the following: compatibility between adjacent future land use designations, consistency between land development regulations, future annexation area, and/or utility service areas and land use compatibility in the designated Rural Area. The County will strive to implement any new local agreements or Joint Planning Agreements by December 31, 2002.

Policy IGC 1.7 Support to Other Jurisdictions

The Historical Commission shall provide support to other jurisdictions in their efforts to identify, preserve, protect and enhance public accessibility to historical resources.

Policy IGC.1.8 Incorporated Policies

The following policies from other elements are hereby incorporated into this Element by this reference thereto as if fully set forth herein verbatim:

Transportation Element

Policy TRA 14.13 Municipal Participation

The County shall promote and actively pursue the cooperation and participation of the several municipalities in funding their share of the cost for the delivery of transit services. The County shall continue to implement the Road Impact Fee Program on a Countywide basis.

Potable Water Element

Policy POT 4.4 Wholesale Agreements –Water



Vision 2020 Comprehensive Plan Seminole County, Florida



Housing Element

Policy HSG 9.1 Housing Program Implementation

The County's Community Development Office shall continue to be the lead agency to formulate a coordinated affordable housing development and assistance program and administer the County's various housing and community development/redevelopment activities.

Design Element

Policy DES 2.4 Coordination on Scenic, Canopy and Gateway Roads

The County shall continue, when appropriate, to pursue interlocal agreements and joint projects with municipalities and private agencies for the designation, implementation and funding of scenic and gateway roadway programs and identify and determine the feasibility of alternative revenue sources for the implementation of scenic corridor programs. A coordinated approach to the design of all roads in development corridors will be explored to seek establishment of a unified base-line for improvements on all highways in the development corridors and mixed-use centers in urban areas. As a condition of future joint planning agreements and other formal agreements, the County shall pursue provisions regarding the maintenance of County roadway overlay standards and other appropriate design standards.

Recreation and Open Space Element

Policy REC 8.3 Joint Projects

The County shall continue to pursue interlocal agreements and joint projects with municipalities and private agencies for the designation, implementation and funding of scenic roadway programs where appropriate.

Policy IGC 1.9 Joint Processes for Collaborative Planning

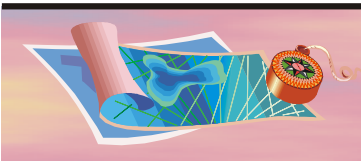
The County shall implement the processes for which it has responsibility under the "2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008" which superceded a previous interlocal Agreement of 2003 adopted by the County, the Seminole County School Board and the seven cities. The 2007 Interlocal Agreement As Amended January 2008 sets out processes for, among other issues: sharing of data such as population projection and student enrollment; joint planning for school site selection, remodeling and school closure; joint consideration for necessary off-site improvements such as sidewalks, roadways, water and sewer; inclusion of the School District's capital improvements program for school capacity in the Capital Improvements Elements of Agreement



IGC-46

INTERGOVERNMENTAL COORDINATION

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Vision 2020 Comprehensive Plan Seminole County, Florida

~~signatories as required by State Law; and the uniform School Concurrency process to be implemented countywide. By December 31, 2002, the County shall enter into an or revise/strengthen, as needed, an interlocal or other formal agreement with each of the municipalities within Seminole County, the School Board Seminole County and any unit of local government service providers that will:~~

- ~~A Establish joint processes for collaborative planning and decision making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in the agreement.~~
- ~~B Clearly articulate generally accepted principles and guidelines for coordination of the County's Comprehensive Plan with the plans of the School Board and other units of local government providing services but not having regulatory authority over the use of land, with adjacent municipalities, adjacent counties, the East Central Florida Regional Planning Council, and with the State Comprehensive Plan, as the case may require and as such adopted plans or plans in preparation may exist.~~



Vision 2020 Comprehensive Plan Seminole County, Florida



~~Establish joint planning areas for collaborative planning to be identified through mutual consent of the parties involved and typically include, but are not necessarily limited to, such considerations as areas subject to future annexation, provision of public services and facilities, land use compatibility, and conflict resolution. (Revised: Amendment 07EX1.TXT04.8, Ordinance 2008-XX, 01/XX/2008)~~

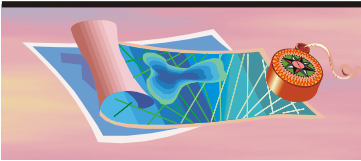
B Policy IGC 1.10 Coordinated Efforts to Protect Established Residential Areas

The County will work diligently with the Cities for the protection of established residential uses, through formal and informal agreements. Emphasis will be placed on protecting homes from adverse impacts caused by incompatible land uses, cut through traffic, provide transitional uses where needed on border parcels and provide adequate separation of homes from land uses that are sensitive in nature, such as communication towers.

Policy IGC 1.11 Coordination of Trail Protection

The County shall encourage the Cities in Seminole County through interlocal agreements or other formal agreements to adopt trail corridor protection regulations similar to the County's regulations.





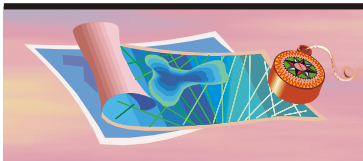
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Policy IGC 2.14 Interlocal Agreement with School Board

The County shall continue to implement those processes for which it is responsible in accordance with the Interlocal Agreement titled "2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008" which the County entered into with the Seminole County School Board and the seven cities, as required by State Law. The 2007 Interlocal Agreement As Amended January 2008 provides for sharing of data on student enrollment, population projections and educational facilities plans; procedures for joint planning for selection of new school sites, remodeling and closures of schools; inclusion of school capital improvement program for school capacity within the County and city Capital Improvement Elements in compliance with State Law; procedures for determining how services needed by a public school (such as sidewalks, roads, water or sewer) will be provided and a uniform Public School Concurrency process, as required by State Law. This Interlocal adopted in 2007 and amended in 2008 superceded an Agreement titled "Interlocal Agreement for Public School Facility Planning" that had been adopted in 2003.

~~By December 31, 2002, the County shall encourage the School Board to enter into an interlocal agreement that will establish a formal coordination framework. At a minimum, this agreement shall address: location of new schools, review process for new schools, co-location of public facilities, data coordination, and identify a system of conflict resolution over siting issues.~~
(Revised:Amendment 07EX1.TXT04.9, Ordinance 2008-XX, 01/XX/2008)





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PUBLIC SCHOOL FACILITIES ELEMENT INTRODUCTION

The Public Schools Facility Element includes objectives and policies to support the provision of public school facilities in a timely manner. The Board of County Commissioners does not have the authority to directly provide school facilities, but is required by State Law to work with the Seminole County School Board to address the coordination of public school facility planning with land use planning and development approvals.

Legislation enacted by the 2005 Florida Legislature mandated a comprehensive approach to school planning by revising laws that govern both School Districts and local government planning. A new *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency* As Amended January 2008 that included procedures for coordinating land use planning, development approvals and school planning was the first step in this process. The Interlocal Agreement, including the process for 'school concurrency' (coordination of planning to ensure school capacity availability as needed by new developments in accordance with State Law) was adopted by the Board of County Commissioners, City Commissions, and the Seminole County School Board in 2007 and amended in January 2008.

The new requirements of the 2005 Legislation also included adoption of a Public School Facilities Element containing a proportionate-share mitigation methodology and the following additional amendments:

- Adoption within the County's Capital Improvements Element of the Level of Service standards applicable countywide that establish maximum permitted school utilization rates relative to capacity;
- Adoption within the County's Capital Improvements Element of the financially feasible Public School Capital Facilities Program addressing school capacity improvements that is adopted as part of the Seminole County School Board's overall Capital Improvements Program;
- Amendments to the County's Implementation Element to include school concurrency in the Concurrency Management System; and
- Amendments to the County's Intergovernmental Coordination Element to revise objectives and policies that address the County's process of coordination with the School Board.

Exhibits illustrating the following were included in the Public School Facilities Element: locations of existing schools; locations of proposed capital improvements to existing school facilities (as identified in the Support Document exhibit "Proposed Public School Additions"), and existing ancillary plant facilities. No new ancillary plant facilities are planned. Locations of proposed new schools are included in the Support Document ~~not identified at this time and cannot be mapped~~. The Concurrency Service Area (CSA) boundary maps were included in the Support Document.

(New element added: Amendment 07EX1.TXT01; Ordinance 2008-xx, xx/xx/xx/)





PUBLIC SCHOOL FACILITIES ELEMENT ISSUES AND CONCERNS

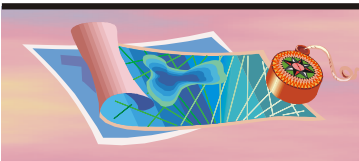
Issue PSF 1 Identifying sites for future school facilities

In 1999, in compliance with changes to the State Planning Law, Seminole County specified those land use designations in the unincorporated area within which schools are allowable uses. However, based on the findings of the 2006 Evaluation and Appraisal Report (EAR), available vacant land in the unincorporated area with site sizes most desired by the School Board has been increasingly in short supply. The 2006 EAR findings indicated, in fact, that most development in unincorporated Seminole County was anticipated to primarily take place in future on infill parcels, or within areas in need of redevelopment. The lack of significant tracts of land in the increasingly urban unincorporated area will also affect potential public facilities with which a school might have co-located. School Board site standards may need to be re-examined in light of the shortage of lands. The *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008* provides a process for identifying future school sites. The process includes, at a minimum, semi-annual meetings of the Planning Technical Advisory Committee (PTAC) that can be used to coordinate land use and school facility planning. The next step in that process is a committee created by the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008*, the Public Schools Facilities Planning Committee (PSFPC). The PSFPC has several responsibilities, including review of PTAC findings and submittal of recommendations to the School Board. In order to ensure that the redevelopment and revitalization of older portions of unincorporated Seminole County can continue, the issue of sites will continually need to be addressed as part of the ongoing cooperative planning effort specified by the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008*.

Issue PSF 2 Population and Student Projections

In accordance with the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008*, the County and School Board will share population projections and projections of student enrollment for use in their planning efforts. The *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008* specifies that the parties will use student enrollment projections provided by the School Board. However, the source of student enrollment projections is based on the Capital Outlay Full Time Equivalent (COFTE) cohort projections issued by the Department of Education in July of each year. These COFTE projections are related to past enrollment trends and do not consider such factors as redevelopment. The County rarely uses age cohort information in its general planning efforts. The findings of the 2006 Evaluation and Appraisal Report (EAR) included population projections revealing continued population growth for the 2006-2025 planning horizon at a rate of 15% annually. The rate is slower than in past because redevelopment tends to





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take place at a slower rate. As the COFTE projections do not include the anticipation of redevelopment, the concern remains that redevelopment efforts may be stymied by lack of planning for students that may be generated by redevelopment efforts, unless proportionate share mitigation efforts or other mechanisms are used.

Issue PSF 3 Proportionate Share Mitigation Efforts and Alternative mechanisms for ensuring school capacity

The *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008* outlined the process by which the School Board may entertain proportionate share mitigation options. Proportionate share mitigation allows a developer to pay that portion of the cost of providing capacity in a school facility that is necessary to serve that particular development or redevelopment project. The methodology for calculating a developer's proportionate share as specified in the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008* is included in this Element and will be added to the County's Land Development Code (LDC) ~~after July 1, 2008~~ as part of the Concurrency Management System. Mitigation options offer a variety of alternatives, including construction of a charter school by the developer. If a mitigation proposal fails, the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008* offers an appeal process specified by Chapter 120, Florida Statutes (F.S.) as an alternative.

Another allowable alternative mechanism for mitigation impacts on schools is the establishment of an Educational Facilities Benefit District as allowed by Section 1013.355, F.S. This option permits school districts and local governments to enter into separate Interlocal Agreements to arrange for financing a school to allow redevelopment, revitalization or other development efforts, when property owners involved agree to this special assessment. Osceola County adopted an ordinance creating such a District in 2003. Should redevelopment and revitalization efforts in unincorporated Seminole County be unable to proceed, even with proportionate share mitigation, further examination of the use of an Educational Facilities Benefit District may be needed.



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PUBLIC SCHOOL FACILITIES ELEMENT GOALS, OBJECTIVES AND POLICIES

GOAL

As a basic tenet of community life, it is the goal of Seminole County to contribute to and maintain a high quality public school environment and diverse education system.

OBJECTIVE PSF 1 LEVEL OF SERVICE STANDARDS AND SERVICE BOUNDARIES

The County shall coordinate with the School Board in the School Board's efforts to correct existing deficiencies and address future needs through implementation of adopted level of service standards and appropriate public school facility service area boundaries. The level of service standard is a countywide standard specified in the "2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008", wherein the following terms are used: Permanent FISH, meaning the permanent facilities within the inventory of land, buildings and rooms in public educational facilities used by the Florida Department of Education, Office of Educational Facilities; and Level of Service (LOS) Standard, meaning a standard established to measure utilization of capacity within a Concurrency Service Area (CSA). Current LOS within a CSA is determined by dividing the full-time equivalent student count (FTE) for the Fall Semester at the same type of schools by the permanent FISH capacity of the same type of schools. Projected or future LOS is determined by the dividing the projected enrolled students at the same type of schools within a CSA by the planned permanent FISH capacity of the same type of schools.

Policy PSF 1.1 Adoption of Level of Service Standards (LOS)

To ensure that the capacity of schools is sufficient to support student growth, Seminole County, the cities within the County and the School Board agree that the desired LOS standard shall be 100% of the aggregate permanent FISH capacity for each school type within each Concurrency Service Area (CSA.) To financially achieve the desired LOS standard, the following tiered LOS standard is established as follows:

| | 2008 - 2012 | Beginning 2013 |
|---------------------------|---------------------------------|---------------------------------|
| Elementary and Middle CSA | 100% of Permanent FISH Capacity | 100% of Permanent FISH Capacity |
| High School CSA | 110% of Permanent FISH Capacity | 100% of Permanent FISH Capacity |

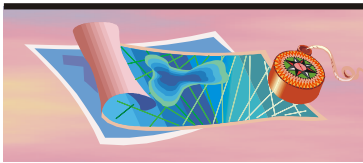
Policy PSF 1.2 Use of Level of Service Standards (LOS)

The County shall operate its concurrency management system (CMS) with the input of the School Board regarding compliance with the level of service standard (LOS) that has been established for each type of school in order to ensure that the LOS is maintained.

Policy PSF 1.3 Use of Concurrency Service Area (CSA) Boundaries

School concurrency shall be implemented in Seminole County using Concurrency Service Area Boundaries (CSAs) as adopted by the Seminole County School Board.





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Policy PSF 1.4 CSAs for each type of school

The CSA boundaries established by the School Board will be based on clustered attendance zones for each school type (elementary, middle and high school) and will be re-evaluated by the School Board as needed.

Policy PSF 1.5 Review of boundary changes

The County shall review proposed public school facility service area boundary changes and submit comments to the School District within forty-five (45) days of receipt.

Policy PSF 1.6 Coordination of School District Capital Program and Potential Service Area Boundary changes

The School Board annual update of its Capital Improvements Schedule will include review of service area boundaries, and, if necessary updates to the CSA map.



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OBJECTIVE PSF 2 DEVELOPMENT REVIEW COORDINATION TO ACHIEVE CONCURRENCY

The County will coordinate its development review efforts with the Seminole County School Board and the cities to achieve concurrency in all public school facilities serving students who reside in the unincorporated area.

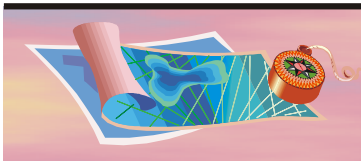
Policy PSF 2.1 Development Review Process

No site plans, final subdivision or functional equivalent shall be approved by the County until a School Capacity Availability Letter (SCALD) has been issued, pursuant to the availability standard specified in Section 163.3180(13)(e), F.S., unless the development has been found exempt from school concurrency.

Policy PSF 2.2 Adoption of School Concurrency Regulations

~~By January 1, 2009, Seminole County shall adopt school concurrency provisions into its Land Development Code (LDC) consistent with the requirements of the 2007 *Interlocal Agreement for Public School Facility Planning and School Concurrency for Coordinated Planning and School Concurrency* As Amended January 2008, adopted in 2007 and amended in January, 2008.~~





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OBJECTIVE PSF 3 COORDINATION OF EXISTING AND FUTURE SCHOOL FACILITY PLANNING WITH THE FUTURE LAND USE ELEMENT AND DEVELOPMENT APPROVAL PROCESS

The County shall coordinate future siting of schools and capacity needs with development permitting and changes to the Future Land Use Plan Map (FLUM).

Policy PSF 3.1 Coordination of comprehensive plan amendments and facility planning

The County will coordinate the timing and approval of administrative and privately submitted comprehensive plan land use map amendments with the availability of school facility capacity.

Policy PSF 3.2 Site sizes and co-location in unincorporated Seminole County

The County shall follow the site selection process identified in the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency for Public School Facility Planning and Concurrency As Amended January 2008*. In addition, the County will work with the School District staff to identify sites for future educational facilities in the unincorporated area that meet the minimum standards of the School Board where possible and where consistent with the provisions of the Seminole County Plan. When the size of available sites does not meet the minimum School Board standards, the County will support the School Board in efforts to use standards more appropriate to a built urban environment. To the extent feasible, as a solution to the problem of lack of sufficiently sized sites, the County shall work with the School Board to achieve co-location of schools with County facilities such as libraries, parks and other County facilities.

Policy PSF 3.3 County participation in Planning Technical Advisory Committee (PTAC)

The County shall be represented at the Planning Technical Advisory Committee (PTAC) meetings, as provided in the for Public School Facility Planning and School Concurrency As Amended January 2008 ~~for Coordinated Planning and School Concurrency~~, for purposes of discussing population projections and other data.

Policy PSF 3.4 Determining Impacts

The County and School District staff shall coordinate the determination of school capacity demands of new residential development through the development review process, during which time the School District staff shall apply student generation multipliers consistent with those applied by the Seminole County School Board as well as supplemental multipliers for mixed use development, and the Department of Education (DOE) student enrollment projections.

Policy PSF 3.5 Notification of Submittal of Residential Applications

The County shall notify the School Board's Planner of the submittal of all residential development pre-applications or formal applications within fifteen



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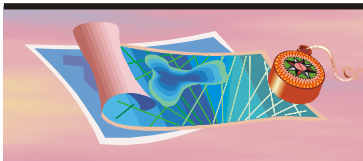


(15) days of submittal to the County and shall provide copies of subdivision plans and site plans with residential development for review.

Policy PSF 3.6 Notification of agendas

The County shall continue to provide the School Board Planner with agendas containing proposed residential developments for pre-application conference, Development Review Committee, Local Planning Agency and County Commission meetings.





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OBJECTIVE PSF 4 CONCURRENCY

The County shall require that public school facility capacity is available concurrent with the impacts of new residential development, as required by Section 163.3180(13)(e), Florida Statutes (F.S.)

Policy PSF 4.1 Timing of Concurrency Review

Seminole County shall require that all new residential development be reviewed for school concurrency at the time of final subdivision, site plan or functional equivalent submittal.

Policy PSF 4.2 Results of Concurrency Review

In compliance with the availability standards of Section 163.3180(13)(e), F.S., the County shall not deny a final subdivision plan, site plan or functional equivalent due to failure to achieve the adopted Level of Service (LOS) for public school facilities when the following occurs:

- Adequate school facilities are planned and will be in place or under construction within three (3) years of the date of approval of a final subdivision plan or site plan.
- The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities consistent with the methodology in the 2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008 ~~for Coordinated Planning and School Concurrency~~, which has been adopted into the County's Land Development Code (LDC).

Policy PSF 4.3 Residential Uses Exempt from the Requirements of School Concurrency

The following residential uses shall be exempt from the requirements of school concurrency:

- All single family lots of record at the time the school concurrency implementing ordinance became effective.
- Any new residential development that has a preliminary plat or site plan approval or the functional equivalent for a site specific development order prior to the commencement date of the School Concurrency Program.
- Any amendment to a previously approved residential development which does not increase the number of dwelling units or change the type of dwelling units (i.e., single family to multi-family, for example.)
- Any age restricted community with no permanent residents under the age of 18 (a restrictive covenant limiting the age of residents to 18 and older shall be required.)

Policy PSF 4.4 Use of Revenues Received Through Proportionate Share Mitigation

Any revenues received for proportionate share mitigation are to be spent on capital improvement projects to expand capacity for school facilities to enable them to accommodate students.



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Policy PSF 4.5 Proportionate Share Mitigation

In the event there is not available school capacity to support a development, the School Board may entertain proportionate share mitigation options and, if accepted, shall enter into an enforceable and binding agreement with the developer to mitigate the impact from the development through the creation of additional school capacity.

- A. When the anticipated student impacts from a proposed development cause the adopted LOS to be exceeded, the developer's proportionate share will be based on the number of additional student stations necessary to achieve the established LOS. The amount to be paid will be calculated by the cost per student station for elementary, middle and high school as determined and published by the State of Florida.
- B. The methodology used to calculate a developer's proportionate share mitigation shall be as follows:

$$\text{Proportionate Share} = (\text{Development students} - \text{Available Capacity}) \times \text{Total Cost per student station}$$

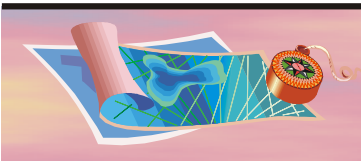
Where:

¹Development students = those students from the development that are assigned to a CSA and have triggered a deficiency of the available capacity.

²Total Cost = the cost per student station as determined and published by the State of Florida.

- C. The applicant shall be allowed to enter a 90 day negotiation period with the School Board in an effort to mitigate the impact from the development through the creation of additional capacity. Upon identification and acceptance of a mitigation option deemed financially feasible by the School Board, the developer shall enter into a binding and enforceable development agreement with the School Board.
 1. A mitigation contribution provided by a developer to offset the impact of a residential development must be directed by the School Board toward a school capacity project identified in the School Board's Five-Year Capital Improvement Plan. Capacity enhancing projects identified within the first three (3) years of the Five-Year Capital Improvement Plan shall be considered as committed in accordance with Section 9.5 of this the 2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008.
 2. If capacity projects are planned in years four (4) or five (5) of the School Board's Five-Year Capital Improvement Plan within the same CSA as the proposed residential development, the developer may pay his proportionate share to mitigate the proposed development in accordance with the formula provided in Section 12.7 (B) of this the above referenced Interlocal Agreement.
 3. If a capacity project does not exist in the Capital Improvement Plan, the School Board will add a capacity project to satisfy the impacts from a proposed residential development, if it is funded through the developer's proportionate share mitigation contributions. Mitigation options may include, but are not limited to:





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- a. Contribution of land or payment for land acquisition suitable for and in conjunction with, the provision of additional school capacity; or
 - b. Mitigation banking based on the construction of a educational facility in exchange for the right to sell capacity credits; or
 - c. Provide modular or permanent student stations acceptable for use as an educational facilities; or
 - d. Provide additional student stations through the remodeling of existing buildings acceptable for use as an educational facility; or
 - e. Construction or expansion of permanent student stations at the impacted school within the CSA; or
 - f. Construction of a educational facility in advance of the time set forth in the School Board's Five-Year Capital Improvement Plan.
- D. For mitigation measures (a) thru (f) above, the estimated cost to construct the mitigating capacity will reflect the estimated future construction costs at the time of the anticipated construction. Improvements contributed by the developer shall receive school impact fee credit.
- E. Developer shall receive an impact fee credit for the proportionate share mitigation. Credits will be given for that portion of the impact fees that would have been used to fund the improvements on which the proportionate fair share contribution was calculated. The portion of impact fees available for the credit will be based on the historic distribution of impact fee funds to the school type (elementary, middle, high) in the appropriate CSA. Impact fee credits shall be calculated at the same time as the applicant's proportionate share obligation is calculated. Any school impact fee credit based on proportionate fair share contributions for a proposed development cannot be transferred to any other parcel or parcels of real property within the CSA.
- F. A proportionate share mitigation contribution shall not be subsequently amended or refunded after final site plan or plat approval to reflect a reduction in planned or constructed residential density.
- G. Impact fees shall be credited against the proportionate share mitigation total.
- H. Any proportionate share mitigation must be directed by the School Board toward a school capacity improvement identified in the School Board's Five-Year Capital Improvement Plan.
- I. Upon conclusion of the negotiation period, a second Determination Letter shall be issued. If mitigation is agreed to, the School Board shall issue a new Determination Letter approving the development subject to those mitigation measures agreed to by the local government, developer and the School Board. Prior to, site plan approval, final subdivision approval or the functional equivalent, the mitigation measures shall be memorialized in an enforceable and binding agreement with the local government, the School Board and the Developer that specifically details mitigation provisions to be paid for by the developer and the relevant terms and conditions. If mitigation is not agreed to, the Determination Letter shall detail why any mitigation proposals were rejected and why the



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development is not in compliance with school concurrency requirements. A SCALD indicating either that adequate capacity is available, or that there is not a negotiated proportionate share mitigation settlement following the ninety (90) day negotiation period as described in Section 12.7(B) of this Agreement, constitutes final agency action by the School Board for purposes of Chapter 120, F.S.

Appeal Process. A person substantially affected by a School Board's adequate capacity determination made as a part of the School Concurrency Process may appeal such determination through the process provided in Chapter 120, F.S.

The Proportionate Share Mitigation methodology will be contained within the Seminole County Land Development Code (LDC) ~~after July 1, 2008~~. The methodology is also included within the "2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended in January 2008".

Policy PSF 4.6 Use of Adjacent CSA

If the projected student growth from a residential development causes the adopted LOS to be exceeded in the CSA, an adjacent CSA which is contiguous with and touches the boundary of, the concurrency service area within which the proposed development is located shall be evaluated for available capacity. An adjacency evaluation review shall be conducted as follows:

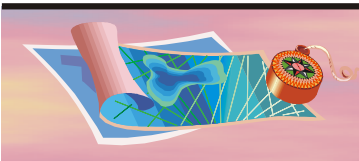
1. In conducting the adjacency review, the School Board shall first use the adjacent CSA with the most available capacity to evaluate projected enrollment impact and, if necessary, shall continue to the next adjacent CSA with the next most available capacity in order to ensure maximum utilization of school capacity to the greatest extent possible.
2. Consistent with Rule 6A-3.0171, F.A.C., at no time shall the shift of impact to an adjacent CSA result in a total morning or afternoon transportation time of either elementary or secondary students to exceed fifty (50) minutes or one (1) hour, respectively. The transportation time shall be determined by the School Board transportation routing system and measured from the school the impact is to be assigned, to the center of the subject parcel/plat in the amendment application, along the most direct improved public roadway free from major hazards.

Policy PSF 4.7 Guidelines and Standards for Modification of Concurrency Service Areas

Any Party to the "2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended in January 2008" (Agreement) may propose a change to the CSA boundaries. Prior to adopting any change, the School Board will verify that as a result of the change:

1. The adopted level of service standards will be achieved and maintained for each year of the five-year planning period; and





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2. The utilization of school capacity will be maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans and other relevant factors.

The County and other parties to the Agreement shall observe the following process for modifying CSA maps:

1. Changes in school attendance boundaries shall be governed by School Board Policy 5.30, Section 120.54, F.S. and applicable uniform rules for administrative proceedings.
2. At such time as the School Board determines that a school(s) attendance boundary is appropriate considering the above standards, the School Board shall transmit the revised attendance zones or CSAs and data and analysis to support the changes to all parties to the Agreement and to the PSFPC.
3. The County, cities and PSFPC shall review the proposed amendment within the time frames prescribed by Section 120.54, F.S.
4. The change to a CSA boundary shall conform to revised attendance boundaries and become effective upon final adoption.



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OBJECTIVE PSF 5 PROCEDURE FOR ANNUAL UPDATE OF CAPITAL IMPROVEMENTS ELEMENT

The County shall be responsible for the update to the Capital Improvements Element of the County Plan to ensure inclusion of those projects adopted within the School District financially feasible 5-Year Capital Improvements Schedule that are necessary to meet Levels of Service (LOS) for existing and future demands.

Policy PSF 5.1 Annual Update of Capital Improvements Element

On an annual basis, Seminole County shall update the Capital Improvements Element of the County Plan to include the School District of Seminole County Five-Year Capital Improvement Schedule for school capacity prior to December 31st.

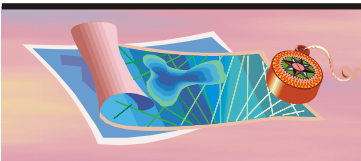
Policy PSF 5.2 Addition of New Financially Feasible 5th Year Projects During Each Update

Each annual update to the Capital Improvements Element shall include a new 5th year with its financially feasible school capacity projects that have been adopted by the School District in its update of the Five-Year Capital Improvement Schedule.

Policy PSF 5.3 Compliance with Florida Statute in timing of Capital Improvements Element update

The County shall amend its Capital Improvements Element to reflect changes to the School District's Five-Year Capital Facilities Plan in compliance with timing requirements of Florida Statutes.





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OBJECTIVE PSF 6 ENSURING COMPATIBILITY WITH SURROUNDING LAND USES, ENCOURAGING CO-LOCATION WITH APPROPRIATE COUNTY FACILITIES, LOCATION IN PROXIMITY TO RESIDENTIAL AREAS TO BE SERVED AND FUNCTION AS A COMMUNITY FOCAL POINT

The County shall ensure compatibility of school facilities with surrounding land use through the County's Development Review Process and shall encourage, to the extent feasible, co-location of new schools with compatible County facilities, and the location of school facilities to serve as Community Focal Points.

Policy PSF 6.1

Allowable locations of school sites and compatibility standards

School sites are allowable within any land use designation in unincorporated Seminole County with the following exceptions: school sites are not allowed within the Conservation and Mixed Use land use designations, and, within the Rural Residential land use designations (Rural-3, Rural-5 and Rural-10), only elementary school sites are an allowable use. Notwithstanding any other provision of the Seminole County Plan, middle schools and high schools shall not be permitted on property located within the Wekiva River Protection Area except for 8.7 acres owned by the Seminole County School Board prior to October 26, 1999, which is located in the East Lake Sylvan Transitional Area, which is depicted in Exhibit FLU: East Lake Sylvan Transitional Area/School Site. Compatibility with adjacent land uses will be ensured through the following measures:

- New school sites within unincorporated Seminole County must not be adjacent to any noxious industrial uses or other property from which noise, vibration, odors, dust, toxic materials, traffic conditions or other disturbances would have a negative impact on the health and safety of students.
- Public school sites shall be located within the County's Urban Growth Boundary or be compatible with compact urban growth patterns; provided, however, that elementary schools are compatible in rural areas but only when located proximate to existing established residential communities.
- Public school sites shall be compatible with environmental protection, based on soils, topography, protected species and other natural resources on the site.
- An assessment of critical transportation issues, including provision of adequate roadway capacity, transit capacity and bikeways, shall be performed for proposed school sites prior to any development to ensure safe and efficient transport of students.
- New school sites within unincorporated Seminole County must minimize detrimental impacts on residential neighborhoods, hospitals, nursing homes and similar uses through the Development Review Process by, at a minimum, complying with Performance Standard requirements of the Seminole County Land Development Code (LDC) with respect to noise and light glare; provision of sufficient parking



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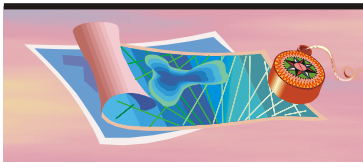
onsite so as to ensure that surrounding neighborhoods are not impacted; provision of sufficient internal vehicular circulation to ensure that unsafe stacking of vehicles on access roads does not occur; and compliance with relevant active-passive bufferyard standards of the LDC.

- New school sites for elementary and middle schools within the Urban Growth Boundary of unincorporated Seminole County shall be located in close proximity to existing or anticipated concentrations of residential development. New school sites for high schools and specialized schools within the Urban Growth Boundary of unincorporated Seminole County are suitable for other locations, due to their special characteristics.
- The Development Review process for unincorporated Seminole County shall ensure that facilities such as sanitary sewer and potable water will be available at the time demanded by the new school site, and services such as public safety can also be provided.
- New school sites in unincorporated Seminole County shall have safe ingress and egress for pedestrians, bicycles, cars, buses, service vehicles and emergency vehicles. High schools should be located with access to collector or arterial roads, rather than relying solely on local roads.

Policy PSF 6.2 Co-Location and Community Focal Point

Recognizing that new schools are an essential component in creating a sense of community, to the extent feasible, Seminole County shall encourage the co-location of new school sites with appropriate County facilities, and shall encourage, through the Development Review Process, the location of new school sites so they may serve as community focal points. Where co-location takes place, the County may enter into an Interlocal Agreement with the School Board to address shared uses of facilities, maintenance costs, vehicular and bicycle parking, supervision and liability issues, among other concerns.





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OBJECTIVE PSF 7 ENSURING PROVISION OF NECESSARY INFRASTRUCTURE

The County will coordinate with the School Board to ensure the provision of public facilities to support the necessary functions of public school facilities.

Policy PSF 7.1 Maximizing efficiency of infrastructure

During participation in the future school site identification process detailed in the “2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008”, Seminole County shall seek to maximize efficient use of existing infrastructure and avoid sprawl development by identifying future school sites that take advantage of existing and planned roads, potable water, sanitary sewer, parks and drainage systems.

Policy PSF 7.2 Safe student access

Seminole County will ensure safe student access to school sites by coordinating the construction of new neighborhoods and residential developments, expansion of existing neighborhoods and developments and redevelopment or revitalization of existing neighborhoods and developments with safe road and sidewalk connections to school sites.

Policy PSF 7.3 Bicycle Access and Pedestrian connection

Seminole County will coordinate bicycle access to public schools consistent with the Seminole County countywide bicycle plan adopted by the Metropolitan Planning Organization, METROPLAN. In addition, Seminole County shall revise its Land Development Code (LDC) as needed ~~by July 1, 2008~~ to specify that performance standards for new residential developments adjacent to existing and proposed school sites, other than age restricted developments, shall include pedestrian connections between the sidewalk network within the development and the adjacent school site.

Policy PSF 7.4 Coordination to ensure necessary off site improvements

During the Development Review process for a proposed new school facility in the unincorporated area, Seminole County will work with the School Board to determine responsibility for the costs and construction of any needed off site improvements, such as signalization, installation of deceleration lanes, roadway striping for crosswalks, safe directional/warning signage and installation of sidewalks.

Seminole County shall revise its LDC as needed in compliance with State Law ~~by July 1, 2008~~ to specify that performance standards for a new development adjacent to or sharing an access road with an existing school or future school site shall mitigate the traffic impacts of the development on safe access to the school. Such mitigation efforts may include, but are not limited to: developer striping of crosswalks, developer installation of sidewalks, payment for safe directional/warning signage, and payment for signalization.



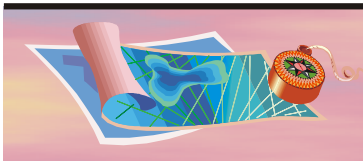
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Policy PSF 7.5 Inclusion of Provisions for School Buses

Seminole County shall revise its LDC as needed to require the inclusion of school bus stops and turnarounds in new residential developments other than age restricted developments.





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OBJECTIVE PSF 8 COORDINATION WITH SCHOOL BOARD AND CITIES

Seminole County shall coordinate with the School Board and Cities as specified by the procedures in the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008* and provide information by the School Board and Cities for emergency preparedness issues.

Policy PSF 8.1 Providing information and fulfilling all responsibilities specified

Seminole County shall provide population projection and development approval data, including site plan and building permit data, to the School Board and shall fulfill all responsibilities as specified by the *2007 Interlocal Agreement for Public School Facilities Planning and School Concurrency As Amended January 2008, ~~Seminole County, Florida.~~*

Policy PSF 8.2 Providing representation

Seminole County shall assign representatives to take part in all committees and participate in all meetings as specified by the *2007 Interlocal Agreement for Public School Facilities Planning and School Concurrency As Amended January 2008, ~~Seminole County, Florida.~~* A staff representative shall be assigned to the Planning Technical Advisory Committee (PTAC) which shall meet as specified in the Interlocal Agreement. An elected official or designee shall be appointed to the Public Schools Facilities Planning Committee (PSFPC) which shall meet as specified in the Interlocal Agreement.

Policy PSF 8.3 Advising of proposed changes

Seminole County shall provide notification to the School Board and any adjacent cities of proposed amendments to the Future Land Use Map (FLUM) that may increase residential densities, and any proposed preliminary site plans, subdivisions and plats, as specified by the *2007 Interlocal Agreement for Public School Facilities Planning and School Concurrency As Amended January 2008, ~~Seminole County, Florida.~~*

Policy PSF 8.4 Emergency Preparedness

Seminole County through its Emergency Management Division shall continue to provide information needed by the School Board and Cities for emergency preparedness purposes.

